IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 11290 of 2007(R)

PETITIONER:

KONCHERRY WEAVERS PRIVATE LIMITED,
MAYITHARA P.O., CHERTHALA-688539, ALLEPPEY
DISTRICT, REPRESENTED BY ITS GENERAL MANAGER,
A.P.SASIDHARAN.

BY ADV. SRI.SATISH MURTI
SMT.UMA MURTHI

RESPONDENTS:

---

1. THE COMMERCIAL TAX OFFICER,
KVAT OFFICE, CHERTHALA.

2. THE COMMISSIONER OF COMMERCIAL TAXES,
THIRUVANANTHAPURAM, COMMISSIONER,
COMMERCIAL TAXES, ERNAKULAM.

3. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY, AT THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 11290/2007 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copies of circular Nos.1/2006 & 29/2006 dated 4-1-2006 and 23-8-2006

Ext.P2: True copy of Annual Return in Form 21(c) and Form 10 of the Petitioner company

Ext.P3: True copy of the communication dated 5-3-2007 addressed by the petitioner

Ext.P4: True copy of the summary of monthly returns filed by the petitioner

//True copy//

es

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 11290 OF 2007-R

JUDGMENT

The petitioner has approached this Court, praying for a direction to the 1st respondent to consider and pass orders on Exts.P2 and P4. Ext.P2 is an application for refund of input tax, filed under Section 13 of the KVAT Act read with Rule 47(1) of the KVAT Rules. Ext.P4 furnishes certain details in support of the said claim.

2. The learned Government Pleader, upon instructions, submitted that Exts.P2 and P4 are received and pending. In view of the above position, the 1st respondent is directed to pass orders on Ext.P2, taking into account Ext.P4 also, in accordance with law within one month from the date of production of a copy of this judgment, after affording an opportunity of being heard to the petitioner. It is ordered that the amount covered by Ext.P2 will not be treated as lapsed for not furnishing bank guarantee.

The Writ Petition is disposed of as above.

9th April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/